

Bashaw, Jeannette@Waterboards

From: Jeff Saleen <jeff@bonipak.com>
Sent: Thursday, July 19, 2012 10:20 AM
To: Bashaw, Jeannette@Waterboards
Subject: REQUEST FOR STAY - SWRCB/OCC FILES A-2209 (a) ??? (e)

Dear Ms. Bashaw,

Our farming operations are subject to the Conditional Waiver Order (R3-2012-0011) adopted in March by the Central Coast Regional Water Quality Control Board. The terms of that Order are under review.

There are substantial and costly requirements that will be due in October of this year. These include groundwater sampling, photo monitoring of riparian habitat, determining the nitrate loading risk of each farm, the installation of back-flow prevention devices on all irrigation wells, preventing erosion by minimizing bare dirt, and the implementation of management practices to meet water quality standards.

My company will have to hire consultants to comply with the new and extensive Monitoring and Reporting requirements. These include updating the Notice of Enrollment several times per year as individual farms are acquired, and the filing of a Notice of Termination each time a farm is turned over to a new 'operator'. Each farm will have to file an extensive Annual Compliance Form beginning on October 1, 2012. A separate and extensive Groundwater Monitoring Report will also be required on October 1, 2013 with the first round of sampling to begin in two months time.

There are substantial economic costs that I will incur in meeting these new and unprecedented requirements. I am therefore asking the Board to grant the Stay Request while the adoption of the new Ag Order is being reviewed. Thank you.

Sincerely,

Jeff Saleen
Director of Food Safety & Security
Bonipak Produce Company
1850 W Stowell Rd
Santa Maria, CA 93458

Bashaw, Jeannette@Waterboards

From: Jeff Lundberg <jeff@babefarms.com>
Sent: Thursday, July 19, 2012 2:03 PM
To: Bashaw, Jeannette@Waterboards
Subject: REQUEST FOR STAY - SWRCB/OCC FILES A-2209 (a) ??? (e)

Dear Ms. Bashaw,

Our farming operations are subject to the Conditional Waiver Order (R3-2012-0011) adopted in March by the Central Coast Regional Water Quality Control Board. The terms of that Order are under review.

There are substantial and costly requirements that will be due in October of this year. These include groundwater sampling, photo monitoring of riparian habitat, determining the nitrate loading risk of each farm, the installation of back-flow prevention devices on all irrigation wells, preventing erosion by minimizing bare dirt, and the implementation of management practices to meet water quality standards.

My company will have to hire consultants to comply with the new and extensive Monitoring and Reporting requirements. These include updating the Notice of Enrollment several times per year as individual farms are acquired, and the filing of a Notice of Termination each time a farm is turned over to a new 'operator'. Each farm will have to file an extensive Annual Compliance Form beginning on October 1, 2012. A separate and extensive Groundwater Monitoring Report will also be required on October 1, 2013 with the first round of sampling to begin in two months time.

There are substantial economic costs that I will incur in meeting these new and unprecedented requirements. I am therefore asking the Board to grant the Stay Request while the adoption of the new Ag Order is being reviewed. Thank you.

Sincerely,

Jeff Lundberg
PO Box 6539
Santa Maria, CA 93456

Bashaw, Jeannette@Waterboards

From: Tom Goldberg <tom@skylineflowers.com>
Sent: Monday, August 20, 2012 7:55 PM
To: Bashaw, Jeannette@Waterboards
Subject: REQUEST FOR STAY - SWRCB/OCC FILES A-2209 (a) ??? (e)

Dear Ms. Bashaw,

Our farming operations are subject to the Conditional Waiver Order (R3-2012-0011) adopted in March by the Central Coast Regional Water Quality Control Board. The terms of that Order are under review.

There are substantial and costly requirements that will be due in October of this year. These include groundwater sampling, photo monitoring of riparian habitat, determining the nitrate loading risk of each farm, the installation of back-flow prevention devices on all irrigation wells, preventing erosion by minimizing bare dirt, and the implementation of management practices to meet water quality standards.

My company will have to hire consultants to comply with the new and extensive Monitoring and Reporting requirements. These include updating the Notice of Enrollment several times per year as individual farms are acquired, and the filing of a Notice of Termination each time a farm is turned over to a new 'operator'. Each farm will have to file an extensive Annual Compliance Form beginning on October 1, 2012. A separate and extensive Groundwater Monitoring Report will also be required on October 1, 2013 with the first round of sampling to begin in two months time.

There are substantial economic costs that I will incur in meeting these new and unprecedented requirements. I am therefore asking the Board to grant the Stay Request while the adoption of the new Ag Order is being reviewed. Thank you.

Sincerely,

Tom Goldberg
VP
Skyline Flowers
4279 E Hueneme Rd
Oxnard, CA 93033

Bashaw, Jeannette@Waterboards

From: Jason Yeager <JYeager@ninerwine.com>
Sent: Friday, July 13, 2012 12:46 PM
To: Bashaw, Jeannette@Waterboards
Subject: Request for stay regarding Ag Order
Attachments: Letter for Chief Counsel SWRCB re Request for stay July 2012.docx

Importance: High

Ms. Bashaw:

I have attached a letter in regards to a request for a stay of Ag Order R3-2012-0011. I would appreciate your consideration to the content of this letter. It is important that all parties involved are heard from.

Thank you in advance for your time and consideration in this matter.

Regards,

Jason Yeager
Vineyard Manager
Niner Wine Estates
9255 E. Highway 46
Paso Robles, CA 93446
Office (805) 238-1490
Fax (805) 238-2849
jyeager@ninerwine.com
www.ninerwine.com

Jeannette L. Bashaw, Legal Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100 Sacramento, CA 95812-0100
E-mail: jbashaw@waterboards.ca.gov
Telephone: (916) 341-5155

Re: Request for Stay regarding Ag Order (Order No. R3-2012-0011)

Dear Ms. Bashaw:

I have been following the Central Coast Regional Water Quality Control Board's adoption of the 2012 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands ("Agricultural Order") and am concerned that my operation will face irreparable harm if the Agricultural Order is not stayed during the State Board's review of the petitions challenging the Agricultural Order.

The 2012 Agricultural Order will negatively impact my ability to continue farming and will likely cause me irreparable harm in the near future. Of particular concern to my farming operation is:

1. Continued confusion surrounding the requirements. I have no idea where to start or what is expected of me and my organization.
2. It is unclear to me what is necessary to comply with immediate requirements to a) maintain existing, naturally occurring, riparian vegetative cover (such as trees, shrubs, and grasses) in aquatic habitat areas as necessary to minimize the discharge of waste; and b) maintain riparian areas for effective streambank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, and wildlife support to minimize the discharge of waste. There needs to be more solid research done in multiple areas of farming to be able to come up with an equitable solution to this issue.
3. I am concerned that release of my Farm Plan to a government agency will jeopardize trade secrets or proprietary information. My information is my life's work. I have spent countless hours developing these ideas and would be devastating for them to be released to the general public.
4. I am uncertain what is required for sampling of my groundwater wells. I am unable to conduct the sampling requirements prior to the October 1st deadline. I am concerned that release of groundwater well monitoring information will expose my well and property to risk of vandalism or liability.
5. I have no idea where to begin or what consultants may be able to assist me in complying with the Ag Order at this time. A deadline of October 1st to conduct sampling, install devices, and maintain streambanks is infeasible and unrealistic.
6. Most of all, farming is one of the last American institutions where both corporations and small family businesses can co-exist in harmony. Farmers are conservationists at heart. We want and need to preserve the land so future generations can enjoy and

continue to use the land for the benefit of all. With the cooperation of all parties involved, a solution can be made to benefit all.

The costs of compliance for individual growers are disproportionate to the benefit to be gained if the stay is not granted as the requirements within the Agricultural Order do not result in water quality improvements. Further, the Regional Board is unlikely to gain any useful or beneficial information with respect to water quality during the period of a stay. Thus, if a stay is granted, neither the public nor interested persons will be harmed.

I urge the State Board to listen to growers' feedback and suggestions, including mine, and grant the requests for a stay. It is hoped that a future Agricultural Order will be designed with feasible measures, achievable objectives, and reasonable requirements in order to improve water quality.

Thank you for considering my views.

Sincerely,

Jason Yeager

Vineyard Manager

Niner Wine Estates

2705 Anderson Road

Paso Robles, CA 93446

Bashaw, Jeannette@Waterboards

From: Bill Hinrichs <bill@ranchitacanyonvineyard.com>
Sent: Friday, July 13, 2012 12:56 PM
To: Bashaw, Jeannette@Waterboards
Subject: Request for Stay regarding Ag Order (Order No. R3-2012-0011)

Jeannette L. Bashaw, Legal Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100 Sacramento, CA 95812-0100
E-mail: jbashaw@waterboards.ca.gov
Telephone: (916) 341-5155

Re: Request for Stay regarding Ag Order (Order No. R3-2012-0011)

Dear Ms. Bashaw:

I have been following the Central Coast Regional Water Quality Control Board's adoption of the 2012 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands ("Agricultural Order") and have attended a couple meetings regarding this order. We are concerned that our operation will face irreparable harm if the Agricultural Order is not stayed during the State Board's review of the petitions challenging the Agricultural Order.

The 2012 Agricultural Order will negatively impact our ability to continue farming and will likely cause us irreparable harm in the near future. Of particular concern to our farming operation is:

1. Continued confusion surrounding the requirements; difficult to even determine in which tier we belong.
2. The cost to install and/or ensure proper functioning of a backflow device.
3. It is unclear what is necessary to comply with immediate requirements to a) maintain existing, naturally occurring, riparian vegetative cover (such as trees, shrubs, and grasses) in aquatic habitat areas as necessary to minimize the discharge of waste; and b) maintain riparian areas for effective stream bank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, and wildlife support to minimize the discharge of waste.
4. We are concerned that release of our Farm Plan to a government agency will jeopardize trade secrets or proprietary information.
5. We are uncertain what is required for sampling of groundwater wells. We are unable to conduct the sampling requirements prior to the October 1st deadline. We are concerned that release of groundwater well monitoring information will expose our well and property to risk of vandalism or liability.

6. We have no idea where to begin or what consultants may be able to assist us in complying with the Ag Order at this time. A deadline of October 1st to conduct sampling, install devices, and maintain stream banks is not feasible and unrealistic.
7. Changes made to the "Order" after the public comment period cast a shadow over the whole process and document, and a complete review needs to be performed.
8. We are a small family farming operation, and already have enough regulations, requirements, record keeping, etc., that keep us away from our actual farming. This "Order" could be the "straw" that finally breaks the small family farmer's back -- and puts them out of business.

The costs of compliance for individual growers are disproportionate to the benefits to be gained if the stay is not granted, as the requirements within the Agricultural Order do not result in water quality improvements. Further, the Regional Board is unlikely to gain any useful or beneficial information with respect to water quality during the period of a stay. Thus, if a stay is granted, neither the public nor interested persons will be harmed.

I urge the State Board to listen to growers' feedback and suggestions, including ours, and grant the requests for a stay. It is hoped that a future Agricultural Order will be designed with feasible measures, achievable objectives, and reasonable requirements in order to improve water quality.

Thank you for considering our views.

Sincerely,

Bill and Teresa Hinrichs

Bashaw, Jeannette@Waterboards

From: Marc Goldberg <marcgoldberg@windwardvineyard.com>
Sent: Friday, July 13, 2012 1:10 PM
To: Bashaw, Jeannette@Waterboards
Cc: lbodrogi@pasowine.com
Subject: Draft Letter for Growers
Attachments: Draft Letter for Growers.doc

Request for Stay of implementation of Ag Order.
Marc Goldberg
Windward Vineyard

Jeannette L. Bashaw, Legal Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100 Sacramento, CA 95812-0100
E-mail: jbashaw@waterboards.ca.gov
Telephone: (916) 341-5155

Re: Request for Stay regarding Ag Order (Order No. R3-2012-0011)

Dear Ms. Bashaw:

I have been following the Central Coast Regional Water Quality Control Board's adoption of the 2012 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands ("Agricultural Order") and am concerned that my operation will face irreparable harm if the Agricultural Order is not stayed during the State Board's review of the petitions challenging the Agricultural Order.

The 2012 Agricultural Order will negatively impact my ability to continue farming and will likely cause me irreparable harm in the near future. Of particular concern to my farming operation is:

1. Continued confusion surrounding the requirements;
2. The cost to install and/or ensure proper functioning of my backflow device.
I cannot comply with this requirement by October 1st, 2012 for the following reasons:
 - a. Budgeted funds are unavailable to capitalize this request in fiscal 2012
 - b. The request is not clear to my contractor as to specifications for my small Operation.
3. It is unclear to me what is necessary to comply with immediate requirements to a) maintain existing, naturally occurring, riparian vegetative cover (such as trees, shrubs, and grasses) in aquatic habitat areas as necessary to minimize the discharge of waste; and b) maintain riparian areas for effective streambank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, and wildlife support to minimize the discharge of waste.
4. I am concerned that release of my Farm Plan to a government agency will jeopardize trade secrets or proprietary information.
5. I am uncertain what is required for sampling of my groundwater wells. I am unable to conduct the sampling requirements prior to the October 1st deadline. I am concerned that release of groundwater well monitoring information will expose my well and property to risk of vandalism or liability.

6. I have no idea where to begin or what consultants may be able to assist me in complying with the Ag Order at this time. A deadline of October 1st to conduct sampling, install devices, and maintain streambanks is infeasible and unrealistic.

The costs of compliance for individual growers are disproportionate to the benefit to be gained if the stay is not granted as the requirements within the Agricultural Order do not result in water quality improvements. Further, the Regional Board is unlikely to gain any useful or beneficial information with respect to water quality during the period of a stay. Thus, if a stay is granted, neither the public nor interested persons will be harmed.

I urge the State Board to listen to growers' feedback and suggestions, including mine, and grant the requests for a stay. It is hoped that a future Agricultural Order will be designed with feasible measures, achievable objectives, and reasonable requirements in order to improve water quality.

Thank you for considering my views.

Sincerely,

Marc Goldberg

Owner, Windward Vineyard, LLC

Bashaw, Jeannette@Waterboards

From: Jessica Kollhoff <jessica@adelaida.com>
Sent: Friday, July 13, 2012 2:06 PM
To: Bashaw, Jeannette@Waterboards
Subject: Request for Stay - Ag Order R3-2012-0011
Attachments: request_for_stay_R3-2012-0011.pdf

Dear Ms. Bashaw:

Please find my "request for stay" regarding Ag Order R3-2012-0011 attached.

Regards,
Jessica Kollhoff

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ADELAIDA CELLARS

Jessica Valpey Kollhoff • General Manager • p: 805.239.8980 ext. 12 • f: 805.239.4671 • e: jessica@adelaida.com • www.adelaida.com

Jeannette L. Bashaw, Legal Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100 Sacramento, CA 95812-0100
E-mail: jbashaw@waterboards.ca.gov
Telephone: (916) 341-5155

Re: Request for Stay regarding Ag Order (Order No. R3-2012-0011)

Dear Ms. Bashaw:

I have been following the Central Coast Regional Water Quality Control Board's adoption of the 2012 Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands ("Agricultural Order") and am concerned that my operation will face irreparable harm if the Agricultural Order is not stayed during the State Board's review of the petitions challenging the Agricultural Order.

The 2012 Agricultural Order will negatively impact my ability to continue farming and will likely cause me irreparable harm in the near future. Of particular concern to my farming operation is:

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2. It is unclear to me what is necessary to comply with immediate requirements to a) maintain existing, naturally occurring, riparian vegetative cover (such as trees, shrubs, and grasses) in aquatic habitat areas as necessary to minimize the discharge of waste; and b) maintain riparian areas for effective streambank stabilization and erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, and wildlife support to minimize the discharge of waste.
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The costs of compliance for individual growers are disproportionate to the benefit to be gained if the stay is not granted as the requirements within the Agricultural Order do not result in water quality improvements. Further, the Regional Board is unlikely to gain any useful or beneficial information with respect to water quality during the period of a stay. Thus, if a stay is granted, neither the public nor interested persons will be harmed.

I urge the State Board to listen to growers' feedback and suggestions, including mine, and grant the requests for a stay. It is hoped that a future Agricultural Order will be designed with feasible measures, achievable objectives, and reasonable requirements in order to improve water quality.

Thank you for considering my views.

Sincerely,

A handwritten signature in cursive script, appearing to read 'J. Kollhoff', written in dark ink.

Jessica Kollhoff

General Manager
Adelaida Cellars
5805 Adelaida Rd, Paso Robles, CA 93446

Bashaw, Jeannette@Waterboards

From: kira@sbck.org
Sent: Friday, July 13, 2012 2:10 PM
To: Bashaw, Jeannette@Waterboards
Cc: nalley@environmentaldefensecenter.org; Ben Pitterle
Subject: SB Channelkeeper Stay request response
Attachments: SBCK-Response to Stay Request-July 2012.pdf

Dear Ms. Bashaw,

Please find attached Santa Barbara Channelkeeper's response to the stay request in the matter of Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011 for Discharges from Irrigated Lands, Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03 and Resolution No. R3-2012-0012.

Sincerely,

Kira Redmond
Executive Director
Santa Barbara Channelkeeper



**SANTA BARBARA
CHANNELKEEPER®**

*Protecting and Restoring
the Santa Barbara Channel
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Steven Gaines

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Holly Sherwin

Paul Junger Witt

July 13, 2012

Jeannette L. Bashaw, Legal Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Re: Petitioner Stay Request of Conditional Waiver of Waste Discharge Requirements Order No. R3-2012-0011 for Discharges from Irrigated Lands, Monitoring and Reporting Program Order Nos. R3-2012-0011-01, R3-2012-0011-02, and R3-2012-0011-03 and Resolution No. R3-2012-0012

Dear Ms. Bashaw,

Santa Barbara Channelkeeper hereby submits the following policy statement in response to the request by agricultural entities to stay some or all provisions of listed orders issued by the Central Coast Regional Water Quality Control Board (Regional Board) on March 15, 2012. Channelkeeper urges the State Water Resources Control Board (State Board) to dismiss the request for a stay due to substantial harm to the public interest that would result from such an action.

Channelkeeper disagreed with last-minute alterations made to the Ag Waiver Order which served to further weaken water quality protections before the final Order was adopted in March 2012. That said, Channelkeeper strongly believes that a stay at this point would only serve to further degrade water resources by resulting in a continuation of old policies, which have proven to be ineffective at protecting water quality. It has been clearly demonstrated by Regional Board staff and others that the condition of the Region's surface and groundwater resources is severely impacted by irrigated agricultural activities. It has also been established that in many areas, water quality appears to be getting worse. These findings are supported by the thousands of individuals that expressed support for stronger controls on agricultural dischargers as well as the dozens who appeared at many board hearings to describe the negative impacts that agricultural pollution was having on their health and well-being.

Channelkeeper believes that assertions that procedural errors occurred throughout the process are unfounded. In fact, we believe that procedures disproportionately benefited agricultural entities as proposals and testimonies offered by agricultural representatives were repeatedly accepted by the Regional Board after deadlines for submittal of new information had passed. We believe that the unprecedentedly long process of stakeholder deliberations and Regional Board hearings leading up to adoption of the Order provided ample and more than sufficient opportunity for agricultural parties to provide input and vocalize concerns. As a matter of fact, to Channelkeeper's disappointment, iterative proposals developed by Regional Board staff consistently and substantially weakened the environmental protections offered by the proposed Order over time to the point where we believe the adopted Order makes extremely minimal progress towards providing the additional verification and accountability that is necessary to improve water quality conditions.

We also find that certain declarations regarding the magnitude of potential costs incurred by agricultural parties appear to be highly inaccurate and made without referential support. For example, estimated costs for pesticide monitoring and for



development of a quality assurance plan or QAPP appear to be grossly exaggerated. Channelkeeper notes that an analysis of costs should consider as a key point the fact that only an estimated 3% of growers Region-wide (those in Tier 3) could expect to incur any additional significant costs due to the Order's tiering structure, which appropriately prioritizes farms with the highest risk of polluting. We also believe that any comparison of costs paid by other dischargers reveals that irrigated agricultural dischargers currently pay far less to protect water quality relative to their proportional impact on State waters compared to other discharges in the region.

Given these factors, we believe that the public interest would be significantly disserved were the State Board to grant a stay to the adopted Order. After over 3.5 years of process and deliberation, it's time for the Central Coast region to move on and focus its energies on protecting water quality rather than protecting a small subset of the Region's highest risk polluters. We therefore respectfully urge the State Board to deny and dismiss the petition for a stay at this time.

Sincerely,

Ben Pitterle
Watershed Programs Director

Bashaw, Jeannette@Waterboards

From: darlene <darlenedin@earthlink.net>
Sent: Friday, July 13, 2012 4:42 PM
To: Bashaw, Jeannette@Waterboards
Cc: darlene@ccatf.org
Subject: of Order No. R3-2012-0011, Conditional Waiver of Waste Discharge Requirements for the Discharges from Irrigated Lands adopted March 15, 2012 (Ag Waiver)

July 13, 2012

Jeannette L. Bashaw, Legal Analyst
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100

Dear Madam:

This email is written in response to the opportunity to submit preliminary written responses to requests of petitions to stay some or all listed provisions of Order No. R3-2012-0011, Conditional Waiver of Waste Discharge Requirements for the Discharges from Irrigated Lands adopted March 15, 2012 (Ag Waiver). Thank for you for this opportunity to provide you with feedback on this matter.

I am writing in support of the request for stay because implementing the Ag Waiver compliance timelines as adopted will cause substantial harm to individual growers and does not further the public interest.

The currently adopted Ag Waiver has out-stripped the agriculture industry's ability to respond. Currently, the Ag Community is in chaos. This is not limited to growers, but includes the companies that provide goods and services as well as technical providers who are struggling to provide growers with assistance.

As of the date of the adoption of the waiver compliance documents had not even been developed by the regional board staff. Growers are trying to make decisions about how to respond to both short-term and long-term compliance requirements. Growers are trying to find templates to use now in the public domain for the many requirements of the order and not are available.

Additionally, it is my understanding that CCRWQCB Staff intends to provide outreach about the Annual Compliance Form during September 2012. If Staff waits until September, timing will be short and occur too close to the actual reporting deadline. Growers need to know, *NOW*, what they will be required to report on October 1, 2012 as it takes months for them to prepare. Nevertheless, forms are not currently available.

There is a lag time in the development of all regulatory programs for the regulated community to catch up, this order is not easily understood, the requirements are not clear- I attended many of the workshops that the regional board staff held, the staff was unable to answer many of the questions asked by growers. That is of concern to me, to have compliance in a regulation it must be understood by the regulated community. To ask a grower to incur cost on a program they don't understand and are trying to comply with is an undue hardship.

I would ask the State of California Water Board to stay the decision of the Regional Water Quality Control Board through the appeal process as it is in the public interest to have clear, understandable rules & regulations based in science with achievable outcomes.

Thank you for your consideration

Darlene Din: Ag Land Use & Public Policy Consultant
Cell Phone (831) 682-0734

IMPORTANT NOTICE: This message is intended only for the addressee and may contain confidential privileged information. If you are not the intended recipient, you may not use, copy or disclose any information contained in the message. If you have received this message in error, please notify the sender by reply email and delete the message. Thank you.